

REMARKS

The Office Action dated February 26, 2007, has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto. Claims 1-12 are pending in this application. By this amendment, claims 1 and 7 are amended. Support for the subject matter of the claims can be found in the specification and drawings at, for example, page 7, lines 22-29, page 9, lines 19-30 and Figs. 6 and 8. No new matter has been added. Reconsideration of the rejections of the claims is respectfully requested in light of the following remarks.

The Office Action rejects claims 1-12 under 35 U.S.C. § 102(e) [sic] as being unpatentable over McMahon et al. (U.S. Patent Application Publication No. 2001/0034726) in view of Thompson et al. (U.S. Patent No. 6,810,401). The rejection under 35 U.S.C. § 102(e) appears to be an inadvertent error and the Examiner intended to reject the claim under 35 USC 103. The rejection is respectfully traversed.

The above-identified application claims an automatic price correcting system, and associated method, that includes a standard specifications table, means for sending to the computers for the plurality of sellers, a screen for inputting a bidding price of the article and unit prices for respective items of the specification, presented by the plurality of sellers, and means for sending to the buyer's computer a screen for inputting changes in the specification for the standard specifications, as recited in independent claim 1, and similarly recited in independent claim 7.

The Office Action admits that McMahon fails to disclose or suggest a bidding price storing section for storing bidding prices (Office Action, page 4, lines 13-16), and

relies on Thompson to disclose this feature. However, the Office Action is mistaken for the following reason.

Thompson teaches an automated configuration system and method to facilitate the configuration of desired products, services or other assemblages that require users to gather and assimilate disparate knowledge of makes, models and types of a desired product or service to be configured (Abstract). Thompson also teaches a pricing engine that includes bid and quote generation functionality to facilitate the production and transmission of bids and quotes by users to their ultimate customers (column 18, lines 41-49). Thompson also teaches, referring to Figures 13 and 17, that the invention uses data tables and formulas to look up, calculate and store base prices 50 plus add-on prices 52 of available product options (column 12, lines 21-33). The Office Action appears to combine these two portions of Thompson to arrive at the subject matter of claims 1 and 7. However, a closer examination of Thompson and McMahon reveals that both of these two references fail to disclose or suggest sending to the computers of the sellers a screen for inputting a bidding price or for inputting changes in the specifications, as recited in independent claims 1 and 7. McMahon merely teaches “allowing access to the stored specification by a user” and electronically soliciting from the user a selection of one specification stored on the server (paragraph [0010]), but does not teach providing the sellers with a screen for inputting a bidding price. Also, Thompson fails to cure deficiencies in McMahon in disclosing or rendering obvious this feature. Accordingly, a combination of Thompson and McMahon fails to arrive at the subject matter of independent claims 1 and 7.

Thus, independent claims 1 and 7, and their dependent claims, are patentable over the applied references. As such, withdrawal of the rejection of the claims under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) is respectfully requested.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108426-00014.**

Respectfully submitted,



Tarik M. Nabi
Registration Number 55,478

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

TMN